

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-218085

DATE: February 8, 1985

MATTER OF: Isratex, Inc.

DIGEST:

Protest that a former employee of the protester participated in a procurement on behalf of both the protester and a competitor at the same time is dismissed since the allegation involves either a dispute between private parties, an issue to be considered by the contracting officer in determining the awardee's responsibility, or a matter for the Department of Justice.

Isratex, Inc. protests the award of a contract to Lakewin, Inc. under solicitation No. DLA100-85-B-0029, issued by the Defense Personnel Support Center, Defense Logistics Agency, Philadelphia, Pennsylvania. Isratex complains that one of its former employees who was involved in preparing the firm's bid was at the same time competing in this procurement on behalf of Lakewin. Isratex says this violates the competitive bidding system, but does not specify further the basis for its complaint.

To the extent that this protest involves an allegation that the former employee improperly used information obtained from Isratex in preparing the Lakewin bid, this is essentially a dispute between private parties which this Office will not decide. See Genasys Corporation, B-213830, Jan. 23, 1984, 84-1 CPD ¶ 102. Further, to the extent that Isratex is alleging a possible violation of the solicitation's Certificate of Independent Price Determination, see the Federal Acquisition Regulation, 48 C.F.R. § 52.203-2 (1984)--a provision designed to prevent collusive bidding that would restrict competition--this allegation raises an issue that is in the first instance a matter to be considered by the contracting officer in

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the context of a responsibility determination, Keystone Elevator Company, Inc., B-215540, July 20, 1984, 84-2 CPD # 72, and could be a matter also for the Department of Justice. Portland Mailing Services, Inc., B-213321, Nov. 7, 1983, 83-2 CPD # 535. It is not a question for this Office to decide.

Under section 21.3(f) of our Bid Protest Regulations, 49 Fed. Reg. 49417 (1984) (to be codified at 4 C.F.R. Part 21), we will dismiss a protest without requiring the submission of a report from the contracting agency when the issues raised are not for consideration by this Office. We dismiss this protest.

Ronald Berger

for the Comptroller General
of the United States